IN THE HIGH COURT OF JUDICATURE AT PATNA
Cr.Misc. No.47469 of 2008
NEESAR AHMAD @ MD.NISUR ANSARI
Versus
STATE OF BIHAR
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2. 3.12.2008 Heard Mr. Raj Kumar Sinha, learned counsel for the petitioner and Mr. Upendra Kumar, learned A.P.P.

The petitioner is said to have put up an impostor in place of a mentally retarded boy, who happened to be the sister's son of the complainant, so as to getting the deed of transfer created in favour of his wife indicating the sale of a particular property. The parents of that retarded boy had already died. The retarded boy was living under the care of the complainant.

The contention is that the wife, who was the vendee in the deed, has been admitted to anticipatory bail. Further contention is that the matter has been settled between the parties.

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The lady could have been granted anticipatory bail, rightly inasmuch as the lady inmates used to remain in the house and it is not known to them what deeds are being perpetrated by the male folk in their names. As regards real beneficiary, it could be the petitioner only and considering that, the petitioner does not deserve to be released on bail. The petition is dismissed.

However, if the petitioner presents before the court below a deed executed by him to which the retarded boy could be a party under the guardianship of the complainant indicating that the petitioner has relinquished his claim, title and possession over the disputed property along with his wife, who should also be a party

to that deed, the court below shall release the petitioner on bail.

(Dharnidhar Jha,J)

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